



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE ADAMSON LAW: THE PUBLIC VIEWPOINT

BAINBRIDGE COLBY

I AM to speak for a few minutes from the standpoint of the general public. The public concern is primarily that its industrial and commercial life shall not be paralyzed while two classes arbitrate their class activities and heap their detestations upon each other. I am disappointed that the President's proposals in their entirety were not adopted by Congress, for I do not look upon them as having any relation to the exigencies of a political campaign. The proposals which found their inadequate result in the Adamson law do not indicate the weakness of our political system. Rather it is surprising and gratifying that the President in the critical hours of a singularly close election made a proposal at once so far-reaching and so original.

Mr. Trumbull said that the railway managers were perfectly willing to leave this entire matter, without reservation, to such a commission as the President might appoint. Well, the President has appointed a commission and there are 5,000 injunctions already instituted. It looks to me as if that willingness is more striking after the fact than during the discussion between these embattled groups.

A new spirit is coming into the world. It is the spirit of science, of collectivism and of sacrifice. The youth of the world are for atoning for ancient errors. They are saving the world by their sacrifices. We cannot maintain our place among the nations, we cannot compete upon an equality with a world renewed unless we find some escape from these recurring conflicts between capital and labor.

I personally believe that arbitration is the only way out of these difficulties, simply because we don't know anything else. We got away from arbitration in lawsuits about six hundred years ago. The ordinary tribunal under the ancient English law was a noisy, indiscriminating tumult and the side prevailed which had the most sustained power.

We are coming to the time when the right to strike will be subjected to definite qualifications. I believe that we

shall soon come to a statute to protect the great public interests from these complete breakdowns which come as the result of quarrels not of public making. There will be some lawful forced conciliation which will require of employer and employee a submission of their grievances, not to a board of arbitrators, but to a duly constituted tribunal which has the public confidence, which may interpret public interest and public desires, and impose justice upon contending classes. The President has sounded a high note. He has invited both the labor representatives and the railway managers to co-operate in finding a solution of this admittedly grave problem. It may be that co-operation is doomed to failure. The promptitude with which the railways and their lawyers are taking the field gives little ground for hope. I am displeased with my own profession at the way in which they leap into the arena and inject into a situation of such gravity as this all their little black arts of irrelevancy and substitution and obstruction.

Now let me show to you the position into which the railway companies, with their fretful and nervous promptitude, have drifted. This Adamson law is admittedly not a final solution of the problem. I understand that neither the railway companies nor the men carried to Washington any demand. A situation had arisen of vital concern to the public, and the President invited representatives of both points of view into conference. Upon the disclosure of the true situation, he reported it, as the constitution says he must, to Congress, and Congress by an impressive majority, 239 to 56 in the House and 42 to 28 in the Senate, adopted a law which appealed to their judgment regardless of party bias. It is very much as a board of equity would act. Congress has practically exercised the power of granting a provisional remedy in face of the threat of imminent and irreparable injury. That is the substance of this law. Here was a strike threatened, a strike of which we can form no adequate mental picture. What would have been the loss of a strike to these investors to whom Mr. Trumbull referred with such commendable and touching solicitude? And let me say in passing that the greatest menace to railroad prosperity in this land has not been the demands

of its wage-earners nor even the threatened strike of its operatives; it has been the fiscal jugglery of the railroads by bankers of high repute. I have in mind a railroad not far from here which could not have suffered more from a direct and ruthless program of governmental confiscation than it suffered from the most stupid banking management that we have ever had.

The railroads of this country have been dealt with, and properly, by this country. When the railroads achieve that measure of self-discipline that will protect their revenue and their credulous investors from managerial incapacity, then the railroads may be able to live through a short experimental interval of six months.

Congress has done just what the chancellor of a court of equity does every day in trivial little controversies, namely, granted a provisional remedy. And now we will inaugurate at once an inquiry by a commission of which Mr. Trumbull says the railway managers so freely leave the appointment to the President. This inquiry will last not over six months, and the report must be filed in nine months, to show whether there is an injustice in the statute, whether there is a confiscatory result in it.

And now what have the railroads done? Like a man who has been enjoying the advantage in a court, they dare the court with an injunction. That is practically what they have done. The act of Congress is in the nature of a preliminary injunction, and the railway company upon which the injunction operates comes back and says, "You must not enjoin; we enjoin your enjoining." In other words, it seems to me that they are afraid of a showdown. They would prefer to establish the results of the Adamson law by assertion without taking the risk of demonstration. If I read the reports of railway earnings correctly, if I balance against the insignificant expenditures that this law will entail upon them the immeasurable losses of the strike which would have occurred without it, it seems to me that the railways are under the influence of a deeply ingrained and intense class prejudice. It seems to me that they have not accorded to the President that degree of co-

operation which good citizenship enjoins, and which idealism would inspire. The President invites you to a feast of contemporary possibilities. He would re-create the spirit of truth and injustice, and of constructive striving in the state. Unless we avoid deadlocks, unless we appreciate the necessity of concession, we are in for trouble.

The questions which Mr. Trumbull has raised as to the eventual action of Congress are merely symptomatic of a state of mind. There has never been any proposal of reform that has not been met in a very similar manner. Congress has a very large power, which it has long possessed, which it has by no means created. I am inclined to think that in the days to come we may see some extraordinary exercise of congressional power.

When it was proposed to abolish the death penalty for petty larceny, seven bishops of the Church of England voted in the negative, and gathering up their capes about them, walked out of the House of Lords. The first proposal to light the streets was doggedly opposed on the theory that some peculiar social menace lurked in lighted thoroughfares. The first steamboat was looked upon as contrary to the laws of nature. In the railroad resistance to an attempt to arrive at a scientific solution of these recurrent problems of relations between capital and labor, in this disposition to look upon courageous efforts at solution as a peculiar menace, I see only indications of a similar point of view, a like state of mind.

For the first time in our history as a nation, I believe, we are on the way to a working solution of this problem which has so long baffled the efforts of lawgivers. If the entirety of the President's proposal is fairly examined, experimented with, allowed to demonstrate through operation its true effect, its true benefit, I believe that we shall make a great economic advance in dealing with an important aspect of our affairs. In addition we shall be already upon the highway to a great spiritual and cultural advance, an advance in the direction of this new ideal and constructive state in which a larger measure of happiness will be enjoyed by our people and a larger measure of national efficiency and power will result for our country.